

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1151 be amended to read as follows:

- 1 Page 20 between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 31. IC 35-50-2-7, AS AMENDED BY P.L.98-2003,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 7. (a) A person who commits a Class D felony
5 shall be imprisoned for a fixed term of one and one-half (1 1/2) years,
6 with not more than one and one-half (1 1/2) years added for
7 aggravating circumstances or not more than one (1) year subtracted for
8 mitigating circumstances. In addition, ~~he~~ **the person** may be fined not
9 more than ten thousand dollars (\$10,000).
10 (b) Notwithstanding subsection (a), if a person has committed a
11 Class D felony, the court may enter judgment of conviction of a Class
12 A misdemeanor and sentence accordingly. However, the court shall
13 enter a judgment of conviction of a Class D felony if **any of the**
14 **following apply:**
15 (1) The court finds that:
16 (A) the person has committed a prior, unrelated felony for
17 which judgment was entered as a conviction of a Class A
18 misdemeanor; and
19 (B) the prior felony was committed less than three (3) years
20 before the second felony was committed.
21 (2) The offense is domestic battery as a Class D felony under
22 IC 35-42-2-1.3. ~~or~~
23 (3) The offense is possession of child pornography
24 (IC 35-42-4-4(c)).

- 1 **(4) The offense is a Class D felony under IC 3-14-2.**
- 2 The court shall enter in the record, in detail, the reason for its action
- 3 whenever it exercises the power to enter judgment of conviction of a
- 4 Class A misdemeanor granted in this subsection."
- 5 Renumber all SECTIONS consecutively.
 (Reference is to HB 1151 as printed January 30, 2004.)

Representative Thompson